

ESTTA Tracking number: **ESTTA774515**

Filing date: **10/04/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Carlos G Porfirio		
Entity	Individual	Citizenship	ARGENTINA
Address	3300 NE 191st Street Apt. 1409 Miami, FL 33180 UNITED STATES		

Attorney information	Max Kaganov, Esq. Max Kaganov, PA 5455 Tamiami Trail, Suite 255 Coral Gables, FL 33134 UNITED STATES max@kaganovlaw.com Phone:305-563-4655
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Registration Subject to Cancellation

Registration No	4312887	Registration date	04/02/2013
Registrant	UCOACHme, LLC 19 Hillcrest Avenue Lexington, MA 02420 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 2012/01/01 First Use In Commerce: 2012/07/01 All goods and services in the class are cancelled, namely: Providing a website featuring an online-marketplace for exchanging goods and services with other users
Class 041. First Use: 2012/01/01 First Use In Commerce: 2012/07/01 All goods and services in the class are cancelled, namely: Educational services, namely, providing online instruction in the field of sports coaching via an online website; Providing a website featuring information on exercise and fitness; Providing a website featuring information on golf and golf instruction; Providing a website featuring information on quarterbacks and quarterback instruction; Providing a website featuring information relating to the sport of softball, baseball, basketball, tennis, track and field, field hockey, swimming, running, fencing, skiing, curling, ice hockey; Providing a website featuring online sports training and training advice and the recording of training and workouts

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition to Cancel.pdf(117194 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Max Kaganov/
Name	Max Kaganov, Esq.
Date	10/04/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re: U.S. Trademark Registration No. 4,312,887
Mark: UCOACHme
Date registered: April 2, 2013

CARLOS G. PORFIRIO,

Petitioner.

v.

UCOACHme, LLC.

Respondent.

Cancellation No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeals Board
P.O. Box 1451
Alexandria, VA 22313-1451

PETITION FOR CANCELLATION

CARLOS GUILLERMO PORFIRIO (the “Petitioner”) hereby files and serves this Petition for Cancellation of the registration for the mark UCOACHme that is the subject of U.S. Trademark Registration No. 4,312,887 (the “Registration”) which was issued to UCOACHme, LLC (the “Registrant”). This cancellation is based on Section 14 of the Lanham Act (15 U.S.C. §1064), namely abandonment.

As grounds in support of its cancellation request, Petitioner asserts as follows:

1. The Petitioner Carlos Porfirio is an individual residing at of 3300 NE 191st Street #1409, Miami, FL 33180, USA.
2. The Registrant UCOACHme, LLC was a Massachusetts Limited Liability Company, with an address of record at 19 Hillcrest Avenue, Lexington, MA 02420, USA.
3. Registrant is the owner of Registration No. 4,312,887 for the mark UCOACHme in International Class 035 for use in association with providing a website featuring an online marketplace for exchanging goods and services with other users, and in International Class 041 for use with educational services, namely, providing online instruction in the field of sports coaching via an online website; providing a website featuring information on exercise and fitness; providing a website featuring information on golf and golf instruction; providing a website featuring information on quarterbacks and quarterback instruction; providing a website featuring information relating to the sport of softball, baseball, basketball, tennis, track and field, field hockey, swimming, running, fencing, skiing, curling, ice hockey; providing a website featuring online sports training and training advice and the recording of training and workouts.
4. Petitioner is the applicant in Serial No. 86/763,443 for the mark U-Coach in International Class 041 for use in association with Tennis Coaching. Petitioner's application has been refused by the examining attorney on the grounds of a likelihood of confusion between Petitioner's mark and the mark that is the subject of the Registration when used in connection with online instruction in the field of sports coaching and providing a website featuring information relating to the sport of ... tennis.
5. Based on independent investigation relating to the Registrant and Registrant's use of the mark UCOACHme prior to the filing of this Petition for Cancellation, Petitioner is informed and believes that Registrant is not using the mark UCOACHme in a bona fide

trademark manner in International Classes 035 and 041, and has not engaged in bona fide use of the mark UCOACHme for a number of years.

6. Based on independent investigation prior to the filing of this Petition for Cancellation, Petitioner is informed and believes that Registrant has ceased all commercial use of the mark UCOACHme in association with the services identified in Registration No. 4,049,411 with the intent not to resume any such use in the future.

7. Based on independent investigation prior to the filing of this Petition for Cancellation, Petitioner is informed and believes that Registrant is a defunct corporate entity. A Certificate of Cancellation for UCOACHme, LLC has been filed with the Secretary of the Commonwealth of Massachusetts, Corporations Division, on December 27, 2013. (Exhibit 1).

8. Petitioner is a tennis coach of extraordinary ability and the creator of a performance analysis game pattern for analyzing a tennis player's performance during matches. The petitioner's performance analysis game pattern is utilized by the "U-Coach" application program, currently available on Apple, Inc.'s "App Store" online marketplace.

9. Petitioner has a real interest in the "U-Coach" application program and in the "U-Coach" mark, is using the mark in commerce, and is applying for registration of the mark based on such use.

10. Petitioner has been and will continue to be damaged by the existence of Registration No. 4,312,887 in that, unless the Registration is cancelled, Petitioner's mark will be barred from registration under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

WHEREFORE, Petitioner prays that this Petition for Cancellation be sustained in favor of Petitioner and that U.S. Trademark Registration No. 4,312,887 be cancelled.

This Petition for Cancellation is being filed via ESSTA together with the required filing fees in the amount of \$600 as required by 37 C.F.R. §2.6(a)(16). A Proof of Service in accordance with 37 C.F.R. §2.119 is attached.

Dated: October 4, 2016

MAX KAGANOV, PA

By: 

Max Kaganov, Esq.

Attorney at Law

5455 Tamiami Trail, Suite 255

Coral Gables, FL 33134

(305) 563-4655

max@kaganovlaw.com

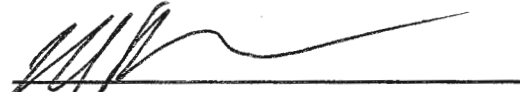
ATTORNEY FOR PETITIONER,

CARLOS G. PORFIRIO

CERTIFICATE OF ELECTRONIC FILING

I certify that this correspondence is being transmitted electronically to the United States Patent and Trademark Office on October 4, 2016.

Dated: October 4, 2016



Max Kaganov, Esq.

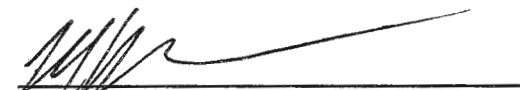
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Petition for Cancellation was served pursuant to 37 C.F.R. §§2.111 and 2.119, on the owner of record for the registration and managers of record of the Registrant on October 4, 2016, by First Class Mail, certified, addressed as follows:

UCOACHme, LLC
c/o JOEL ORCUTT
19 Hillcrest Avenue
Lexington, MA 02420

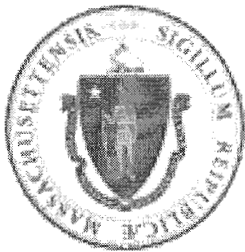
DENISE DAVIS
135 Ironstone Road
Uxbridge, MA 01569

Dated: October 4, 2016



Max Kaganov, Esq.

EXHIBIT 1



**The Commonwealth of Massachusetts
William Francis Galvin**

Minimum Fee: \$100.00

Secretary of the Commonwealth, Corporations Division
One Ashburton Place, 17th floor
Boston, MA 02108-1512
Telephone: (617) 727-9640

Special Filing Instructions

Certificate of Cancellation

(General Laws, Chapter)

Federal Employer Identification Number: 454010730 (must be 9 digits)

1. The exact name of the Domestic Limited Liability Company (LLC) is: UCOACHME, LLC

2. The date of filing of the original certificate of organization: 12/10/2011

3. The reason for filing the certificate of cancellation:
ALL OF THE MEMBERS HAVE CONSENTED TO CANCELLATION.

4. If the certificate of cancellation is to be effective at a later date, state the effective date:

5. Any additional information to be included therein:

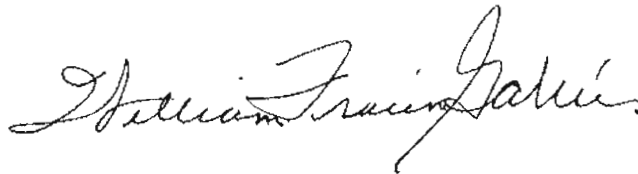
SIGNED UNDER THE PENALTIES OF PERJURY, this 27 Day of December, 2013,
LISA J MCGLOIN , Signature of Applicant.

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

December 27, 2013 09:51 AM

A handwritten signature in black ink, reading "William Francis Galvin". The signature is written in a cursive, flowing style with a large initial 'W' and 'G'.

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth